

COPY OF PATENT  
ORIGINALLY FILED

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**In Re Application of:** Lenz  
**Application No.:** 10/063,042  
**Filed:** March 14, 2002  
**For:** SEGMENTED SPINE  
**Examiner:** Not yet assigned  
**Group Art Unit:** 3731



TECHNOLOGY CENTER R3700

JUN 20 2002

RECEIVED

Commissioner for Patent  
Washington, D.C. 20231

Docket No.: S63.2-10057

**INFORMATION DISCLOSURE STATEMENT**

Listed below or on an attached Form PTO-1449 and/or a copy of a PTO-892 form is information known to applicant(s). A copy of each listed publication, U.S. patent, foreign patent and U.S. patent application is being submitted herewith, along with a concise explanation of information in a foreign language, if any, pursuant to 37 C.F.R. §1.97-1.98, *except that* U.S. applications from which priority is claimed under 35 U.S.C. §120, and documents cited in such priority applications, may be omitted from the enclosures pursuant to 37 C.F.R. 1.98(d). Applicant's submission of copies of U.S. applications does not constitute a waiver of the confidentiality of such applications. As such, **Applicant requests that any copies of unpublished US applications submitted herewith be excluded from the file wrapper pursuant to 37 C.F.R. §1.14.**

Applicants respectfully request that the listed information be considered by the Examiner and be made of record in the above-identified application. If form PTO-1449 or PTO-892 from a prior application is enclosed, the Examiner is requested to initial and return it in accordance with MPEP §609.

This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, material to patentability as defined in §1.56.

**Information Disclosure Statement**

**Application No. 10/063,042**

**Page 2**

Applications that are listed on the accompanying modified form 1449 as related by priority are related by priority claim under 35 USC §120. Pursuant to 37 CFR §1.98(d), no copies of cited art in a previous application(s) to which priority was claimed need be submitted. Applicant is providing copies of the 1449 and/or 892 forms from these cases.

  X   I. This statement qualifies as a no-fee Information Disclosure Statement under 37 C.F.R. §1.97(b) or otherwise because to the knowledge of the undersigned attorney it is being filed (check all that apply):

- X   (1) within 3 months of the filing date of the application (other than a CPA); or
- (2) within 3 months of entry of the national stage; or
- X   (3) before the mailing of a first Office Action on the merits;
- (4) before the mailing of a first Office Action after the filing of a request for continued examination (RCE) under §1.114;
- (5) as part of a continued prosecution application (CPA); or
- (6) during the period of a suspension of action for a CPA under 37 C.F.R. §1.103(b).

      II. This statement is believed to require a fee or the submission of a certification under 37 C.F.R. §1.97 (c) or otherwise. If this statement is being filed after the latest of: (1) three months beyond the filing date of a national application (other than CPA); (2) three months beyond the date of entry of the national stage as set forth in §1.491 in an international application; (3) the mailing of a first Office Action on the merits; (4) the mailing of a first Office Action after the filing of a request for continued examination under §1.114; or (5) after the filing of a request for a continued prosecution application, but before the mailing date of the earlier of a final office action under §1.113, a notice of allowance under §1.311 or an action that otherwise closes prosecution in the application, then:

- (1) a certification as specified in §1.97(e) is provided below; or

**Information Disclosure Statement**

**Application No. 10/063,942**

**Page 3**

\_\_\_\_\_ (2) a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.

\_\_\_\_\_ **III. 37 C.F.R. §1.97(d).** If this statement is being filed after the mailing date of the earlier of a final office action under §1.113, a notice of allowance under §1.311, or an action that otherwise closes prosecution in the application, but before payment of the issue fee, then:

- (1) a certification as specified in §1.97(e) is completed below; and
- (2) a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with payment of other papers filed together with this statement.

**X** **IV. Fee Authorization.** If any fee is due for consideration of this Information Disclosure Statement and full payment has not been submitted herewith, regardless of which boxes have been checked above, the Commissioner is hereby authorized to charge any additional fees associated with this communication to Deposit Account No. 22-0350. The Commissioner is hereby authorized to credit any overpayment associated with this communication to Deposit Account No. 22-0350.

***If paragraph II.1 or III is checked, also check one of the paragraphs below***

\_\_\_\_\_ I hereby certify, under 37 CFR §1.97(e)(1), that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the date of the filing of this information disclosure statement.

\_\_\_\_\_ I hereby certify, under 37 CFR §1.97(e)(2), that no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and to the knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

***Information Disclosure Statement***  
***Application No. 10/063,042***  
***Page 4***

*For the purpose of this certification, Applicant considers the PCT International Search Authority to constitute a foreign patent office.*

Applicant would like to draw attention to the Examiner that eight U.S. Patent documents have been filed with the United States Patent and Trademark Office through electronic filing on June 4, 2002 for the above-identified file.

If this Information Disclosure Statement has been submitted without the appropriate box checked, Applicant requests that this Information Disclosure Statement be considered nevertheless if it is timely submitted under any of the provisions of 37 C.F.R. §1.97 or otherwise. Finally, if any petition is necessary to ensure consideration of this Information Disclosure Statement, Applicant requests that this be treated as such a petition.

Respectfully submitted,

VIDAS, ARRETT & STEINKRAUS, P.A.

Date: June 4, 2002

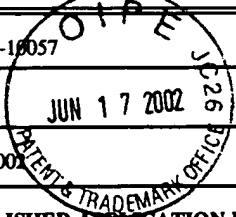
By: 

Jonathan Grad

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|                                                                                                                                                                                      |  |  |  |                                                                                                     |  |                                                          |  |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|--|-----------------------------------------------------------------------------------------------------|--|----------------------------------------------------------|--|
| <b>FORM PTO-1449 (Modified)</b><br><b>LIST OF PATENTS AND PUBLICATIONS</b><br><b>FOR APPLICANT'S</b><br><b>INFORMATION DISCLOSURE STATEMENT</b><br>(Use several sheets if necessary) |  |  |  | <b>ATTY DOCKET NO.:</b> S63.2-10057<br><b>APPLICANT:</b> Lenz<br><b>FILING DATE:</b> March 14, 2002 |  | <b>APPLICATION NO.:</b> 10/063,042<br><b>GROUP:</b> 3731 |  |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|--|-----------------------------------------------------------------------------------------------------|--|----------------------------------------------------------|--|



| REFERENCE DESIGNATION |                 |      |      | U.S. PATENT AND PUBLISHED APPLICATION DOCUMENTS |                            |  |
|-----------------------|-----------------|------|------|-------------------------------------------------|----------------------------|--|
| EXAM'S INIT.          | DOCUMENT NUMBER | DATE | NAME | CLASS/SUBCLASS                                  | FILING DATE IF APPROPRIATE |  |
|                       | AA              |      |      |                                                 |                            |  |
|                       | AB              |      |      |                                                 |                            |  |
|                       | AC              |      |      |                                                 |                            |  |
|                       | AD              |      |      |                                                 |                            |  |
|                       | AE              |      |      |                                                 |                            |  |
|                       | AF              |      |      |                                                 |                            |  |
|                       | AG              |      |      |                                                 |                            |  |
|                       | AH              |      |      |                                                 |                            |  |
|                       | AI              |      |      |                                                 |                            |  |
|                       | AJ              |      |      |                                                 |                            |  |
|                       | AK              |      |      |                                                 |                            |  |
|                       | AL              |      |      |                                                 |                            |  |

| FOREIGN PATENT DOCUMENTS |        |         |  |  |
|--------------------------|--------|---------|--|--|
| DOCUMENT NUMBER          | DATE   | COUNTRY |  |  |
| BA 96/26689              | 9/6/96 | WO      |  |  |
| BB 01/08600              | 2/8/01 | WO      |  |  |
| BC                       |        |         |  |  |
| BD                       |        |         |  |  |
| BE                       |        |         |  |  |

| OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.) |  |  |
|------------------------------------------------------------------|--|--|
| CA                                                               |  |  |
| CB                                                               |  |  |
| CC                                                               |  |  |

|                 |                        |
|-----------------|------------------------|
| <b>EXAMINER</b> | <b>DATE CONSIDERED</b> |
|-----------------|------------------------|

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

|                                                                                                                                                                                                                                            |    |                              |                 |                            |  |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|------------------------------|-----------------|----------------------------|--|
| <b>Modified Form 1449</b><br><b>UNPUBLISHED US</b><br><b>APPLICATIONS</b><br><b>NOT RELATED BY PRIORITY</b><br><b>(COPIES ENCLOSED)</b>                                                                                                    |    | ATTY DOCKET NO.: S63.2-10067 |                 | APPLICATION NO. 10/063,042 |  |
|                                                                                                                                                                                                                                            |    | APPLICANT: Lenz              |                 |                            |  |
|                                                                                                                                                                                                                                            |    | FILING DATE: March 14, 2002  |                 | GROUP: 3731                |  |
| <b>UNPUBLISHED US APPLICATIONS NOT RELATED BY PRIORITY</b>                                                                                                                                                                                 |    |                              |                 |                            |  |
| EXAM'S<br>INIT                                                                                                                                                                                                                             |    | APPLICATION NO.              | FILING<br>DATE  | INVENTOR(S)                |  |
|                                                                                                                                                                                                                                            | DA | 60/238,178                   | 10/5/00         | DiCaprio et al.            |  |
|                                                                                                                                                                                                                                            | DB |                              |                 |                            |  |
|                                                                                                                                                                                                                                            | DC |                              |                 |                            |  |
|                                                                                                                                                                                                                                            | DD |                              |                 |                            |  |
|                                                                                                                                                                                                                                            | DE |                              |                 |                            |  |
|                                                                                                                                                                                                                                            | DF |                              |                 |                            |  |
| EXAMINER                                                                                                                                                                                                                                   |    |                              | DATE CONSIDERED |                            |  |
| EXAMINER: Initial if application considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. |    |                              |                 |                            |  |

|                                                                                                                                                                                                                                            |    |                    |                 |                 |             |                         |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|--------------------|-----------------|-----------------|-------------|-------------------------|
| <b>Modified Form 1449</b><br><b>US APPLICATIONS</b><br><b>RELATED BY PRIORITY</b><br><b>(COPIES NOT ENCLOSED)</b>                                                                                                                          |    | ATTY DOCKET NO.:   |                 | APPLICATION NO. |             |                         |
|                                                                                                                                                                                                                                            |    | APPLICANT:         |                 |                 |             |                         |
|                                                                                                                                                                                                                                            |    | FILING DATE:       |                 | GROUP:          |             |                         |
| <b>US APPLICATIONS RELATED BY PRIORITY</b>                                                                                                                                                                                                 |    |                    |                 |                 |             |                         |
| EXAM'S<br>INIT                                                                                                                                                                                                                             |    | APPLICATION<br>NO. | FILING<br>DATE  | PATENT NO.      | INVENTOR(S) | FORM<br>1449/892<br>ENC |
|                                                                                                                                                                                                                                            | EA |                    |                 |                 |             |                         |
|                                                                                                                                                                                                                                            | EB |                    |                 |                 |             |                         |
|                                                                                                                                                                                                                                            | EC |                    |                 |                 |             |                         |
|                                                                                                                                                                                                                                            | ED |                    |                 |                 |             |                         |
|                                                                                                                                                                                                                                            | EE |                    |                 |                 |             |                         |
|                                                                                                                                                                                                                                            | EF |                    |                 |                 |             |                         |
|                                                                                                                                                                                                                                            | EG |                    |                 |                 |             |                         |
| EXAMINER                                                                                                                                                                                                                                   |    |                    | DATE CONSIDERED |                 |             |                         |
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Applicant requests that any copies of unpublished US applications submitted herewith be excluded from the file wrapper pursuant to 37 C.F.R. §1.14.

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 Examiner: Not yet assigned  
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Commissioner for Patents  
 Washington, D.C. 20231

Docket No.: S63.2-10057

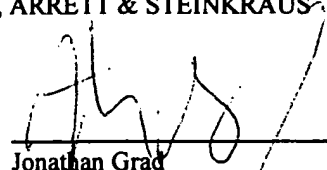
## TRANSMITTAL LETTER

1. In regard to the above-identified application, we are submitting the attached:  
**4 page Information Disclosure Statement; 2 page Form PTO 1449; copy of 3 references; VAS Transmittal Letter; and Postcard.**
2. With respect to fees:
  - ☒ No additional fee is required.
  - ☐ Attached is check(s) in the amount of \$
  - ☐ Charge additional fee to our Deposit Account No. 22-0350.
3. **CONDITIONAL PETITION FOR EXTENSION OF TIME**  
 This conditional petition is being filed along with the papers identified in Item 1 above and provides for the possibility that Applicant has inadvertently overlooked the need for a petition and fee for extension of time or for a petition and fee for any other matter petitionable to the Commissioner as required. If any extension of time for the accompanying response is required or if a petition for any other matter is required, by petitioner, Applicant requests that this be considered a petition therefor.
4. Notwithstanding paragraph 2 above, if any additional fees associated with this communication are required and have not otherwise been paid, including any fee associated with the Conditional Petition for Extension of Time, or any request in the accompanying papers for action which requires a fee as a petition to the Commissioner, please charge the additional fees to Deposit Account No. 22-0350. Please charge any additional fees or credit overpayment associated with this communication to the Deposit Account No. 22-0350.

VIDAS, ARRETT & STEINKRAUS

Date: June 4, 2002

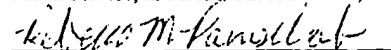
By:

  
 Jonathan Grad  
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Certificate Under 37 CFR 1.8: I hereby certify that this Transmittal Letter and the paper(s) as described herein, are being deposited in the U.S. Postal Service, as FIRST CLASS MAIL, addressed to Commissioner for Patents, Washington D.C. 20231, on June 4, 2002.

  
 Rebecca M. Painschab